

## **DISCLAIMER**

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## **APPLICATION OF**

**APPALACHIAN POWER COMPANY**

**CASE NO. PUE970766**

**For certificates of public convenience  
and necessity authorizing transmission lines  
in the Counties of Bland, Botetourt, Craig,  
Giles, Montgomery, Roanoke and Tazewell:  
Wyoming-Cloverdale 765 kV Transmission  
Line and Cloverdale 500 kV Bus Extension**

## **HEARING EXAMINER'S RULING**

**June 1, 1999**

On September 30, 1997, Appalachian Power Company, d/b/a American Electric Power ("AEP" or "Company"), applied to the Virginia State Corporation Commission ("SCC" or "Commission") to amend its certificates of public convenience and necessity for the counties of Giles, Craig, Tazewell, Montgomery, Bland, Roanoke and Botetourt to authorize the construction and operation of a 765 kV transmission line. The transmission line as originally proposed in this case would originate at AEP's Wyoming Station, near Oceana, Wyoming County, West Virginia, and terminate at the Company's Cloverdale Station in Cloverdale, Botetourt County, Virginia, north of Roanoke. In its application, AEP also applied to amend its certificate of public convenience and necessity for Botetourt County to construct a 500 kV bus extension from its existing Cloverdale Station 765 kV switchyard to the existing Cloverdale Station 345 kV switchyard. (The proposed Wyoming-Cloverdale 765 kV transmission line together with the proposed Cloverdale Station 500 kV bus extension will be referred to hereafter collectively as the "Wyoming-Cloverdale 765 Project.")

Notice of AEP's application to construct and operate the Wyoming-Cloverdale 765 kV Project was previously published, and service of the application was previously made, pursuant to the Commission's Order for Notice and Hearing of November 7, 1997. The notice provided included details of both preferred and alternative routings proposed by AEP for the Wyoming-Cloverdale 765 kV Project. Public hearings on the application have already been held in the counties of Tazewell, Bland, Giles, Montgomery and Roanoke, as well as in Richmond.

By Hearing Examiner's Ruling dated September 22, 1998, AEP was directed to study an alternative 765 kV transmission line originating at AEP's Wyoming Station and terminating at, or east of, the Company's Jacksons Ferry Station in Wythe County, Virginia (the "Wyoming-Jacksons Ferry 765 kV Alternative Project"). The Company filed its report on the Wyoming-Jacksons Ferry 765 kV Alternative Project on May 7, 1999 (the "Report"). In the Report, the Company identified a preferred route and a number of alternative corridors for such a line. The preferred and alternative corridors cross the counties of Tazewell, Bland, Pulaski, Wythe and Giles.

The preferred corridor and alternative corridor segments identified by AEP in its Report are described below in paragraph (15). The corridors identified for the Wyoming-Jacksons Ferry 765 kV Alternative Project are 1,000 feet wide, and the transmission line would be located within the corridors on a 200 foot wide right-of-way. The preferred corridor would extend for approximately 89.7 miles with 51.7 miles lying within Virginia. If alternative corridor segments are used, the line length could vary from approximately 88.4 miles to 97.6 miles, and the Virginia portion could vary from approximately 55.7 to 65.0 miles in length.

Based on the Report, the Staff of the Commission has filed a Motion for Notice and Hearing (the "Motion") asking that, pursuant to § 56-46.1 of the Code of Virginia, notice of the preferred and alternative corridors identified in the Report be published and that they be considered in this case in addition to the preferred and alternative corridors previously identified and noticed. Upon review of AEP's Report and Staff's Motion, it appears that consideration of the preferred and alternative corridors identified in connection with the Wyoming-Jacksons Ferry 765 kV Alternative Project, in addition to the preferred and alternative corridors submitted in connection with the Wyoming-Cloverdale 765 kV Project, is desirable. Consequently, I find that AEP should give notice that the preferred and alternative corridors identified in the Report will be considered, and that additional public hearings should be scheduled. Accordingly,

**IT IS DIRECTED THAT:**

(1) Pursuant to § 56-46.1 of the Virginia Code, the preferred and alternative corridors identified in the Report submitted by AEP on the Wyoming-Jacksons Ferry 765 kV Alternative Project be considered in this proceeding in addition to the preferred and alternative corridors previously identified and noticed in connection with the Wyoming-Cloverdale 765 kV Project;

(2) The following hearings be held in areas which would be affected by construction of the line for the purpose of receiving public comment on the proposal:

July 13, 1999

Bland County High School Gym  
Box 14  
Bland, VA 24315  
1:00 p.m. and 7:00 p.m.

July 15, 1999

Board Room  
Pulaski County Administration Building  
143 3<sup>rd</sup> Street, N.W.  
Pulaski, VA 24301  
1:00 p.m. and 7:00 p.m.

July 20, 1999

Juvenile & Domestic Relations Court  
315 School Street  
Box 6  
Tazewell, VA 24651  
1:00 p.m. and 7:00 p.m.

July 22, 1999

Fort Chiswell High School Auditorium  
Route 3, Box 255  
Max Meadows, VA 24360  
(Wythe County)  
1:00 p.m. and 7:00 p.m.

(3) The public hearing be continued to receive additional statements from public witnesses and interveners and to receive testimony and exhibits offered by AEP, protestants, and Commission Staff at 10:00 a.m., on November 29, 1999, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia;

(4) On or before July 1, 1999, AEP may file with the Clerk of the Commission an original and fifteen (15) copies of any additional direct testimony and exhibits that it intends to offer and shall serve one (1) copy on all parties;

(5) On or before July 19, 1999, any person who is not already a protestant in this proceeding but who expects to submit evidence, to cross-examine witnesses, and to participate in this proceeding as a protestant pursuant to Rule 4:6 of the Rules shall file an original and fifteen (15) copies of a notice of protest with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and simultaneously serve a copy on counsel to AEP, H. Allen Glover, Jr., Esquire, Woods, Rogers & Hazlegrove, P.L.C., P.O. Box 14125, Roanoke, Virginia, 24138-4125. Any corporate entity or governmental unit that wishes to protest must be represented by legal counsel as required by Rule 4:8 of the Commission's Rules and Rule 1:5 of the Rules of the Supreme Court of Virginia;

(6) Within five (5) days of receipt, AEP shall serve upon each person who files a notice of protest a copy of this Ruling, its Report of May 7, 1999, its application, and supporting testimony and exhibits unless copies have already been provided to that person;

(7) On or before October 12, 1999, each protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of its protest and an original and fifteen (15) copies of the testimony and exhibits that it intends to offer in support of its protest and shall serve one (1) copy of the protest, testimony and exhibits on counsel to AEP and on all other parties of record;

(8) On or before November 2, 1999, the Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any testimony and exhibits that it intends to offer and shall serve one (1) copy on all parties;

(9) On or before November 16, 1999, AEP may file with the Clerk of the Commission an original and fifteen (15) copies of any rebuttal testimony and exhibits that it intends to offer in response to direct testimony and exhibits previously filed and shall serve one (1) copy on all parties;

(10) As provided by Rule 4:7, any interested person may intervene in this proceeding, either in support of or in opposition to the application, by attending any scheduled hearing and executing and filing with the bailiff a notice of appearance on a form provided for that purpose;

(11) Any person desiring to comment in writing on the application may do so by directing such comments, on or before October 12, 1999, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Any comments should refer to Case No. PUE970766;

(12) Any request for modification of any date established by this Ruling shall be by motion filed with the Clerk of the Commission and served on all other parties; except in an extreme emergency, such requests for modification should be filed at least ten (10) work days before the scheduled date;

(13) As provided in Rule 6:4 of the Rules, 5 VAC 5-10-480, the Commission prescribes service of answers and objections within the earlier of 15 days from receipt of the written interrogatory or request for production by mail or 12 days from receipt by facsimile transmission. Special motions shall be made within three (3) working days of receipt of an objection;

(14) AEP shall promptly make available for public inspection during regular business hours copies of this Ruling, its application, transcripts of previous hearings in this proceeding and all other materials now or hereafter filed in this case at locations specified in the public notice ordered below in paragraph (15);

(15) AEP shall publish the following notice as display advertising (not classified) once a week for two consecutive weeks in newspapers of general circulation in the areas of Virginia affected by the proposed transmission lines, publication to be completed by June 21, 1999:

**NOTICE OF APPLICATION BY  
APPALACHIAN POWER COMPANY  
d/b/a AMERICAN ELECTRIC POWER  
TO BUILD TRANSMISSION LINES**

On September 30, 1997, Appalachian Power Company, d/b/a American Electric Power ("AEP" or "Company"), applied to the Virginia State Corporation Commission ("SCC" or "Commission") to amend its certificates of public convenience and necessity for the counties of Giles, Craig, Tazewell, Montgomery, Bland, Roanoke and Botetourt to authorize the construction and operation of a 765 kV transmission line. The transmission line as originally proposed in this case would originate at AEP's Wyoming Station, near Oceana, Wyoming County, West Virginia, and terminate at the Company's Cloverdale Station in Cloverdale, Botetourt County, Virginia, north of Roanoke. In its application, AEP also applied to amend its certificate of public convenience and necessity for Botetourt County to construct a 500 kV bus extension from its existing Cloverdale Station 765 kV switchyard to the existing Cloverdale Station 345 kV switchyard. (The proposed Wyoming-Cloverdale 765 kV transmission line together with the proposed Cloverdale Station 500 kV bus extension will be referred to hereafter collectively as the "Wyoming-Cloverdale 765 kV Project.")

Notice of AEP's application to construct and operate the Wyoming-Cloverdale 765 kV Project was previously published, and service of the application was previously made, pursuant to the Commission's Order for Notice and Hearing of November 7, 1997. The notice provided included details of both preferred and alternative routings proposed by AEP for the Wyoming-Cloverdale 765 kV Project. Public hearings on the application have already been held in the counties of Tazewell, Bland, Giles, Montgomery and Roanoke, as well as in Richmond.

On September 22, 1998, the SCC Hearing Examiner issued a ruling requiring AEP to study an alternative 765 kV transmission line originating at AEP's Wyoming Station and terminating at, or east of, the Company's Jacksons Ferry Station in Wythe County, Virginia (the "Wyoming-Jacksons Ferry 765 kV Alternative Project"). The Company filed its report on the Wyoming-Jacksons Ferry 765 kV Alternative Project on May 7, 1999 (the "Report"). In the Report, the Company identified a preferred route and a number of alternative corridors for such a line. The preferred and alternative corridors cross the counties of Tazewell, Bland, Pulaski, Wythe and Giles.

The preferred corridor and alternative corridor segments identified by AEP in its Report are described below. The corridors identified for the Wyoming-Jacksons Ferry 765 kV Alternative Project are 1,000 feet wide, and the transmission line would be located within the corridors on a 200 foot wide right-of-way. The preferred corridor would extend for approximately 89.7 miles with 51.7 miles lying within Virginia. If alternative corridor segments are used, the line length could vary from approximately 88.4 miles to 97.6 miles, and the Virginia portion could vary from approximately 55.7 to 65.0 miles in length.

Based on the Report, the Staff of the Commission filed a Motion for Notice and Hearing (the "Motion") asking that, pursuant to § 56-46.1 of the Code of Virginia, notice of the preferred and alternative corridors identified in the Report be published and that they be considered in this case in addition to the preferred and alternative corridors previously identified and noticed. On June 1, 1999, the SCC Hearing Examiner ruled that consideration of the preferred and alternative corridors identified in connection with the Wyoming-Jacksons Ferry 765 kV Alternative Project, in addition to the preferred and alternative corridors submitted in connection with the Wyoming-Cloverdale 765 kV Project, is desirable.

#### NARRATIVE DESCRIPTION OF PROPOSED PREFERRED AND ALTERNATIVE ROUTES

##### **The Preferred Corridor:**

Proceeding south through Wyoming and McDowell Counties in West Virginia incorporating the corridor previously certificated by the Public Service Commission of West Virginia, the preferred corridor crosses into Tazewell County, Virginia approximately 0.9 miles south of Monson, West Virginia, and 1.2 miles north-northwest of the extreme western end of Abbs Valley. The preferred corridor traverses in a southerly direction where it crosses Route 644 approximately 1.0 mile from the intersection of Route 644 and Route 655. The corridor continues to the south crossing Route 643 approximately 1.1 miles west of the intersection of Route 655 and Route 643, and continues in a south-southeast direction, turning east and crossing Route 650 beside an existing 138 kV wood pole transmission line. The corridor continues east passing east of the Tazewell County landfill and then turns south to cross U.S. 460/U.S. 19 approximately 1.1 miles west of Springville.

After crossing U.S. 460/U.S. 19, the preferred corridor continues in an east-southeast direction crossing East River Mountain. After

crossing the mountain, the preferred corridor turns east-northeast and travels on the south slope of East River Mountain for approximately 5.0 miles where it crosses Route 662. The preferred corridor continues east-northeast crossing into Bland County approximately 1.0 miles east of State Route 662 and continues paralleling the West Virginia-Virginia state line south of Bluefield, West Virginia for 3.6 miles before turning southeast. The corridor crosses Route 61 approximately 0.9 miles west of the 88 kV transmission line at Clearfork and then turns east to begin paralleling that power line for approximately 1.0 mile. The preferred corridor then turns east and breaks away from the 88 kV transmission line. The corridor crosses Routes 21/52 approximately 0.4 miles south of Hicksville and then crosses Interstate 77 adjacent to the southern boundary of the northbound rest stop.

The preferred corridor continues in a southeastern direction crossing over Route 612 and the ridge of Hogback Mountain. The corridor continues in a southern direction and turns to the southeast approximately 1.4 miles north of the Town of Bland. The corridor proceeds in an eastern direction just north of Route 42 before turning southeast and crossing Route 42 approximately 1.7 miles west of the intersection of Route 42 and Route 608. The corridor continues to cross Route 604 approximately 1.3 miles west of its intersection with Route 608. The preferred corridor then turns east and crosses Walker Mountain.

After crossing an existing 138 kV transmission line on the south slope of Walker Mountain, the corridor turns south-southeast and crosses Route 602 approximately 0.4 miles east of the existing transmission line. The corridor continues in the same direction crossing Route 601 approximately 1.4 miles east of the existing transmission line and then crosses into Wythe County at the top of Little Walker Mountain before turning in a southeast direction. The corridor crosses Route 712 approximately 1.1 miles west of the Gatewood Reservoir and then continues southeast crossing Brushy Ridge and traversing along the Pulaski/Wythe county line. The corridor crosses Route 610 at the county line and Route 726 in Connor Valley northeast of Crockett Knob then turns southeast and crosses Interstate 81 0.3 miles northeast of exit 86 near Draper Valley Church.

After crossing Interstate 81, the preferred corridor continues southeast before turning south-southwest to cross Route 618 approximately 1.5 miles south of the interstate. The preferred corridor continues south-southwest crossing Reed Creek

approximately 0.4 miles northwest of Allison and then crossing the New River approximately 1.4 miles downstream of Fosters Falls. The corridor turns southeast crossing Fosters Falls Mountain and then terminating in the Jacksons Ferry Station.

**Alternative Corridor F:**

Alternative Corridor F (AC-F) departs from the preferred corridor at the state line. It traverses to the south-southeast, crossing Route 644 approximately 0.6 miles west of the intersection of Routes 644 and 655, then turns east to cross Route 655 approximately 0.7 miles northwest of Mud Fork. The corridor continues northeast, then turns east before crossing Route 643 approximately 0.5 miles southwest of Tabors, then turns southeast to cross U.S. 460 approximately 1.2 miles southwest of St. Clair. The corridor continues southeast to cross East River Mountain where it joins the preferred corridor on the south slope.

**Alternative Corridor G:**

Alternative Corridor G (AC-G) departs from the preferred corridor on the south slope of East River Mountain south of Bluefield, West Virginia. AC-G traverses in an east-northeast direction before crossing U.S. Route 21/52 approximately 0.7 miles west of the Interstate 77 tunnel. The corridor continues northeast crossing over the Interstate 77 tunnel on the south side of East River Mountain, then continues east-northeast for approximately 3.0 miles before intersecting with alternative corridors H and J.

**Alternative Corridor H:**

Alternative Corridor H (AC-H) departs from AC-G on the south slope of East River Mountain approximately 3.0 miles east of the Interstate 77 tunnel in an eastern direction. AC-H turns to the south-southeast to cross into Giles County for 0.75 miles before crossing back into Bland County and intersecting alternative corridors J and K.

**Alternative Corridor J:**

Alternative Corridor J (AC-J) departs from AC-G in a southeast direction to cross Route 613 approximately 3.5 miles east-northeast of North Gap. The corridor turns southeast to parallel the Bland County/Giles County border and then intersects with alternative corridors H and K.



**Alternative Corridor K:**

Alternative Corridor K (AC-K) departs from its intersection with AC-H and AC-J in a southerly direction where it crosses Route 608 approximately 1.0 mile from the intersection of Routes 608 and 606 near Pumpkin Center. Continuing to the south, AC-K crosses Route 606 0.3 miles west of the State Route 608/State Route 606 intersection, then crosses State Route 608 again approximately 1.0 mile north of Crandon. AC-K then crosses Route 42 on the eastern side of Crandon beside an existing 138 kV line. AC-K continues to the south-southwest paralleling the existing 138 kV line, crossing Route 608 again and then crossing Walker Mountain before intersecting the preferred corridor.

**Hogback Mountain Alternative:**

The Hogback Mountain Alternative (AC-HM) departs from the preferred corridor approximately 0.2 miles southeast of Interstate 77 and traverses to the south, then continues south-southeast to cross Forest Route 282 before joining the preferred corridor.

All distances and directions cited above for route location purposes are approximate. The Commission may consider and approve minor variations in the preferred or alternative corridors. The Commission may also consider and use combinations of preferred and alternative corridors proposed in this proceeding in different combinations in order to reach either of the two termination points now being considered.

The Report, as well as the application and related materials, may be inspected during regular business hours in the Commission's Document Control Center, first floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, and at the following locations:

AEP Roanoke Service Center  
802 River Avenue  
Roanoke, VA  
(M-F 8-5)

AEP J.W. Vaughan Center  
1800 Loch Haven Drive  
Roanoke, VA  
(M-F 8-5)

Botetourt County Courthouse  
Corner of Roanoke and Main Street  
Fincastle, VA  
(M-F 8:30-4:30)

Bland County Courthouse  
Main Street  
Bland, VA  
(M-F 8-6)

Montgomery County Courthouse  
1 E. Main Street-RM B5  
Christiansburg, VA  
(M-F 8:30-4:30)

Pearisburg Library  
209 Fort Branch Road  
Pearisburg, VA  
(M 12-8; T 12-5; W 9-5;  
Th 9-8; F 9-5; Sa 9-1)

Pulaski County Library  
609 W. Third St.  
Pulaski, VA  
(M & T 8:30-8; W & F 8:30-5;  
Th 8:30-7; Sa 9-1)

Roanoke County Courthouse  
Clerk's Office  
305 E. Main Street  
Salem, VA  
(M-F 8:30-4:30)

Tazewell County Courthouse  
101 Main Street  
Tazewell, VA  
(M-F 8-4:30)

Tazewell County Public Library  
108 Huffard Drive  
Bluefield, VA  
(M, W, Th, F, Sa 9-5:30; Tu 9-8:30)

Wythe County Administration Building  
345 S. Fourth St.  
Wytheville, VA 24382  
(M-F 8-5)

Local hearings to receive comments from the public will be held as follows:

July 13, 1999  
Bland County High School Gym  
Box 14  
Bland, VA 24315  
1:00 p.m. and 7:00 p.m.

July 15, 1999  
Board Room  
Pulaski County Administration Building  
143 3<sup>rd</sup> Street, N.W.  
Pulaski, VA 24301  
1:00 p.m. and 7:00 p.m.

July 20, 1999  
Juvenile & Domestic Relations Court  
315 School Street  
Box 6  
Tazewell, VA 24651  
1:00 p.m. and 7:00 p.m.

July 22, 1999  
Fort Chiswell High School Auditorium  
Route 3, Box 255  
Max Meadows, VA 24360  
(Wythe County)  
1:00 p.m. and 7:00 p.m.

The public hearing will continue to receive additional statements from public witnesses and interveners and to receive testimony and exhibits offered by AEP, protestants and Commission Staff at 10:00 a.m., on November 29, 1999, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

On or before July 19, 1999, any person who is not already a protestant in this proceeding but who expects to submit evidence, to cross-examine witnesses, and to participate in this proceeding as

a protestant pursuant to Rule 4:6 of the Rules shall file an original and fifteen (15) copies of a notice of protest with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and simultaneously serve a copy on counsel to AEP, H. Allen Glover, Jr., Esquire, Woods, Rogers & Hazlegrove, P.L.C., P.O. Box 14125, Roanoke, Virginia, 24138-4125. Any corporate entity or governmental unit that wishes to protest must be represented by legal counsel as required by Rule 4:8 of the Commission's Rules and Rule 1:5 of the Rules of the Supreme Court of Virginia.

On or before October 12, 1999, each protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of its protest and an original and fifteen (15) copies of the testimony and exhibits that it intends to offer in support of its protest and shall serve one (1) copy of the protest, testimony and exhibits on counsel to AEP and on all other parties of record.

Any interested person may intervene in this proceeding, either in support of or in opposition to the application, by attending any scheduled hearing and executing and filing with the bailiff a notice of appearance on a form provided for that purpose. Any person desiring to comment in writing on the application may do so by directing such comments on or before October 12, 1999, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. All correspondence should refer to Case No. PUE970766.

APPALACHIAN POWER COMPANY  
d/b/a/ AMERICAN ELECTRIC POWER

(16) AEP shall serve a copy of the Report and this Ruling on each governmental official or agency listed on pages 47-49 of Volume X of the Report. Service shall be made on or before June 21, 1999, by delivering a copy to the usual place of business, or by depositing a copy in the United States mail, properly addressed and stamped; and

(17) On or before July 21, 1999, AEP shall file proof of service of notice and newspaper publication required by this Ruling.

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Howard P. Anderson, Jr.  
Hearing Examiner